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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 CLAUDE GRANT,
9 Plaintiff(s),

10 v.

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT, et al.,
Defendant(s).

Case No. 2:20-cv-01629-JAD-NJK

Report and Recommendation

13 Initiating a federal lawsuit creates attendant responsibilities for a plaintiff. Most
14 fundamentally, the plaintiff is required to take the steps necessary to prosecute his case. *See* Fed.
15 R. Civ. P. 41(b). In advancing the case, the plaintiff must also comply with the governing rules
16 and the Court's orders. *See, e.g.,* Fed. R. Civ. P. 16(f)(1)(C); Local Rule IA 11-8. Although a
17 plaintiff proceeding without an attorney is provided some leeway with respect to his filings, *pro*
18 *se* litigants are still required to comply with these obligations. *See, e.g., Ghazali v. Moran*, 46 F.3d
19 52, 54 (9th Cir. 1995).

20 Despite being filed nearly nine months ago, this case has never gotten off the ground. One
21 of the first actions in a new case is for a plaintiff (*pro se* or otherwise) to initiate a conference with
22 the opposing party and to file a proposed discovery plan. Local Rule 26-1(a). When that had not
23 been done in timely fashion in this case, the Court ordered the parties to file either a joint discovery
24 plan or a status report by February 12, 2021. Docket No. 27.¹ Plaintiff did not comply with that
25 order. *See* Docket No. 30 at 1-2 (representations from Defendants as to the inability to confer with
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27 ¹ During this time period, there was some uncertainty as to whether Plaintiff was
28 represented by counsel or proceeding *pro se*. *See* Docket Nos. 26, 29, 31. The record was later
clarified that Plaintiff is proceeding *pro se*. *See* Docket No. 32.

1 Plaintiff). On March 1, 2021, the Court ordered Plaintiff to “promptly confer with defense counsel
2 regarding the discovery plan” and further ordered that a joint discovery plan had to be filed by
3 March 12, 2021. Docket No. 34. Plaintiff had not contacted defense counsel, *see* Docket No. 36,
4 and no joint discovery plan was filed by that date, *see* Docket No. 35. As a result, the Court
5 ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute,
6 violation of the local rules, and violation of the Court’s orders. Docket No. 37. Plaintiff responded
7 with a filing addressing the substance of his claims without addressing the violations at issue. *See*
8 Docket No. 38. Given that Plaintiff at least responded, the Court provided a final opportunity to
9 comply with his obligations accompanied by a final round of warnings:

10 What is currently before the Court is Plaintiff’s failure to
11 comply with the applicable rules and the Court’s orders. A party
12 proceeding without an attorney is required to comply with the
13 governing rules and orders. *See, e.g., Ghazali v. Moran*, 46 F.3d 52,
14 54 (9th Cir. 1995). Violation of these rules and orders may lead to
15 significant ramifications, including potentially the dismissal of a
16 plaintiff’s case.

17 The Court will afford Plaintiff **one final opportunity** to
18 comply with his obligations on this issue. **Plaintiff must promptly**
19 **contact defense counsel to confer regarding a discovery plan.**
20 **Moreover, a joint discovery plan must be filed by May 3, 2021.**
21 **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT**
22 **IN A RECOMMENDATION THAT THE CASE BE**
23 **DISMISSED.**

24 The Court will otherwise defer resolution of the pending
25 order to show cause so that it can evaluate whether Plaintiff has
26 complied with his obligations as stated above.

27 Docket No. 39 at 1-2 (emphasis in original). Plaintiff thereafter communicated with defense
28 counsel by telephone, but otherwise declined to approve a joint discovery plan to be filed with the
Court. *See* Docket No. 40 at 2. Several additional weeks have passed since the deadline set for
the joint discovery plan with no filing of a joint discovery plan and no other activity reflected on
the docket. Accordingly, months after it was due, the Court still has not been presented with a
joint discovery plan.

Plaintiff’s failure to comply with the Court’s orders is an abusive litigation practice that
has interfered with the Court’s ability to hear this case, delayed litigation, disrupted the Court’s
timely management of its docket, wasted judicial resources, and threatened the integrity of the

1 Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are
2 unavailable because Plaintiff has been unable or unwilling to comply with the Court's orders
3 despite the explicit warning that dismissal could result.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

5 Dated: May 25, 2021

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Nancy J. Koppe
United States Magistrate Judge

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9 **NOTICE**

10 This report and recommendation is submitted to the United States District Judge assigned
11 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
12 recommendation must file a written objection supported by points and authorities within fourteen
13 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
14 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
15 F.2d 1153, 1157 (9th Cir. 1991).